

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Sterling W. Fields, III,

Civil 07-2344 JRT/FLN

Plaintiff,

v.

REPORT & RECOMMENDATION

Strom Engineering Corp.,

Defendant.

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On May 25, 2007, the undersigned issued an order denying Plaintiff's application to proceed *in forma pauperis* ("IFP") and directed Plaintiff to pay the full \$350 filing fee within 20 days. The reason for the denial was that Plaintiff's application indicated that he was employed, earning \$750 per week take-home pay (or approximately \$3000 per month). Plaintiff did not adequately explain why he cannot pay the filing fee and costs of service of process for this action from that income. Therefore, based on the information in Plaintiff's IFP application, the Court could not conclude that he was indigent for IFP purposes. In the May 25<sup>th</sup> order, the Court also warned Plaintiff that failure to pay the full amount of the filing fee within the time allowed, that it would be recommended that the action be dismissed without prejudice pursuant to Fed.R.Civ.P. 41(b).

To date, Plaintiff has not complied with this Court's order of May 25, 2007. Therefore, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice.

DATED: June 26, 2007.

s/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **July 16, 2007**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.